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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

\*E-FILED - 12/7/06\*

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID L. GARCIA,

Defendant.

Case No.: CR 05-00342-RMW

STIPULATION AND ORDER  
RESCHEDULING SENTENCING HEARING

IT IS HEREBY STIPULATED between the parties and based upon such stipulation it is hereby ordered, that the defendant's sentencing hearing, currently scheduled for Monday, November 27, 2006 at 9:00 a.m. be continued and a new sentencing hearing date of Monday, January 8, 2006 at 9:00 a.m. is hereby set. The reason for this stipulation is because defense counsel has recently learned of an assault that occurred upon the defendant while in custody at the county jail. There is a dispute as to the culpability between the two defendants in this case, and this information will help to resolve that dispute. Defense counsel has ordered the medical records and the incident report to review. While defense counsel has received the medical records, we are still awaiting the incident report.

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It is so stipulated.

Dated: 11-20-06

\_\_\_\_\_/s/John Glang\_\_\_\_\_  
JOHN N. GLANG  
Assistant United States Attorney

It is so stipulated.

Dated: 11-20-06.

\_\_\_\_\_/s/ Robert Lyons\_\_\_\_\_  
ROBERT W. LYONS  
Attorney for Defendant

It is so ORDERED:

Dated: 12/7/06\_\_.

\_\_\_\_\_/s/ Ronald M. Whyte\_\_\_\_\_  
RONALD M. WHYTE  
United States District Judge